

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, JANUARY 15, 2008 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	Ruth Jensen	City Council Liaison
	Joan Peterson	Chairperson
	Barbara Poelman	Vice-Chairperson
	Bill McGaha	Commissioner
	Reese Nielsen	Commissioner
	Lynda Berry	Alternate
	Roger Handy	Alternate
CITY STAFF:	Jared Johnson	Community Development Manager
	Mark Teuscher	City Planner
	Eliza McGaha	Secretary

AGENDA

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

ELECTION OF CHAIRMAN FOR 2008 CALENDAR YEAR

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

PUBLIC HEARING / APPLICATION #2969 / GRANARY SUBDIVISION – PRELIMINARY PLAT

PUBLIC HEARING / APPLICATION #2979 / AMEND FOREST HILLS SUBDIVISION NO. 9, LOT 24, ADDRESS BLOCK

PUBLIC HEARING / APPLICATION #2989 / AMEND BOX ELDER LAKE SUBDIVISION – BOUNDARY EXTENSION

PUBLIC HEARING / APPLICATION #2758 / AMEND AMENDMENT TO GEORGIA ESTATES SUBDIVISION NO. 3, LOT NO. 9

PUBLIC HEARING / APPLICATION #2986 / AMEND CHAPTER 29.04

PUBLIC HEARING / APPLICATION #2987 / AMEND CHAPTER 29.05.080

APPLICATION #2992 / CONDITIONAL USE PERMIT – MODEL HOME/TEMPORARY SALES OFFICE / 1312 NORTH 600 WEST / GARY THOMPSON

PUBLIC INPUT:

DISCUSSION:

- APPLICATION #2982 / SKETCH PLAN / SILVA STOKES SUBDIVISION / 248 NORTH 600 WEST
- CHECK CASHING BUSINESSES - ORDINANCE

REGULAR MEETING

Commissioner Nielsen opened the regular meeting at 6:30 p.m. and led the Pledge of Allegiance.

ELECTION OF CHAIRMAN FOR 2008 CALENDAR YEAR

Barbara Poelman nominated Joan Peterson for Chairperson. The nomination was seconded by Lynda Berry.

Lynda Berry nominated Roger Handy for Chairman.

Roger Handy and Lynda Berry were both asked to be fulltime Planning Commissioners and both have accepted those appointments.

Joan Peterson seconded the nomination for Roger Handy as Chairman.

MOTION: A motion was made by Commissioner McGaha to close nominations. The motion was seconded by Lynda Berry and passed unanimously.

Commissioner Nielsen abstained from the vote as to have an odd number. The voting went as follows:

2 votes – Roger Handy
3 votes – Joan Peterson

Joan Peterson will be Chairperson of the Brigham City Planning Commission for the 2008 calendar year.

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

MOTION: A motion was made by Commissioner Nielsen to approve the work session minutes of the December 04, 2007 meeting. The motion was seconded by Commissioner Poelman and passed unanimously.

MOTION: A motion was made by Roger Handy to approve the regular meeting minutes of the December 04, 2007 meeting. The motion was seconded by Lynda Berry and passed unanimously.

PUBLIC HEARING / APPLICATION #2969 / GRANARY SUBDIVISION – PRELIMINARY PLAT

This is an application by the Board of Education. They own the property and the building. This is a one lot subdivision. A very small portion of land around the old Relief Society Granary building at 408 East 100 North is being separated from the school playing field. The intent is to preserve an historical structure. The School District does not want the building. The Sons of the Utah Pioneers (SUP) have approached the School District about acquiring the building and they said they would give it to the City. The School District cannot sell the piece but they can trade it or give it to another public entity. They have requested that the City take it and the City is working with them. This is in a residential zone. The City took this to the Appeal Authority for three variances. One variance request was for a lot area variance for a subdivided lot on the northwest part of the piece, which was due to the fact that the surrounding playing field is about 10 to 12-feet above the actual building. The other variances were for an access approach less than the minimum requirement and an access approach for a parking lot. All variances were approved by the Appeal Authority on December 12, 2007. The intent is that once the lot is subdivided, the School District will give it to the City and the City will work with SUP.

MOTION: A motion was made by Commissioner Nielsen to open the public hearing for application #2969. The motion was seconded by Roger Handy and passed unanimously.

There was no public comment.

MOTION: A motion was made by Commissioner Nielsen to close the public hearing for application #2969. The motion was seconded by Commissioner Poelman and passed unanimously.

The way the lot is designed, there will be an access coming off of 400 East to the south of the granary building; for a 24-foot driveway. Along the east property line, there will be about 5 parking stalls, one of which will be a ~~handicap~~ handicapped stall. There is currently an access but it does not meet ~~handicap~~ handicapped access. There is an old door that has been blocked up and inside the building the metal hinges that held the door can be seen. The primary access will come off of the east side of the building. There will be about 5 parking stalls that will meet the City parking requirements. The intended use is to be an historical structure that will be opened at certain times. There is some limited on-street parking. This will go to the Land Use Authority, which in this case is the City Planner because it is less than 10-lots. There is sidewalk existing on the north side of the building and there will be sidewalk on the west side but it will only go to the property line because the remainder parcel is not part of the subdivision; it is an existing remainder historical parcel.

Technically, the School District cannot be required to put in sidewalk but this particular parcel will have sidewalk on both sides of the corner.

MOTION: A motion was made by Commissioner Poelman to forward application #2969 to the City Planner with recommendation for approval based on the stipulations that it must comply with Utah Code 10-9a-608 and must comply with Chapter 25 Subdivision Ordinance and must comply with Staff comments. Based on the findings of fact that the applicant shall comply with Utah Code 10-9a-608 and Brigham City Code Chapter 25 and such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and such use is in compliance with the General Plan. The motion was seconded by Commissioner Nielsen and passed unanimously.

PUBLIC HEARING / APPLICATION #2979 / AMEND FOREST HILLS SUBDIVISION NO. 9, LOT 24, ADDRESS BLOCK

This is specifically amending the address block. Lot 24 is proposed to be addressed, 21 North Beecher Avenue, rather than, 23 North Beecher Avenue; the reason being that the adjoining subdivision has a lot with the same address, which creates a conflict.

MOTION: A motion was made by Commissioner Nielsen to open the public hearing for application #2979. The motion was seconded by Commissioner Poelman and passed unanimously.

There was no public comment.

MOTION: A motion was made by Commissioner Nielsen to close the public hearing for application #2979. The motion was seconded by Commissioner Poelman and passed unanimously.

MOTION: A motion was made by Commissioner Nielsen to forward to the City Council with a recommendation to approve application #2979 to correct the address that conflicts with an adjacent lot with the stipulation that it must comply with Utah Code 10-9a-608 and Chapter 25 Subdivision Ordinance and comply with Staff comments. Based on the finding of fact that the applicant shall comply with the noted code and ordinance and such use will not under the circumstance of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that such use is in compliance with the General Plan. The motion was seconded by Commissioner Poelman and passed unanimously.

PUBLIC HEARING / APPLICATION #2989 / AMEND BOX ELDER LAKE SUBDIVISION – BOUNDARY EXTENSION

This is an older subdivision that deals with lands in and around the airport. The FAA has requested that the City alter the access to the airport because the current road alignment conflicts with the airport approach zone. Building the new road facilitated the need to create some new parcels and dedicating the road through the entire subdivision, going all the way to the north property line of the City and so it was recommended to amend and extend the subdivision. Currently, the Box Elder Lake Subdivision consists of five lots, with the amendment and extension there will be eleven lots. Some of the lots will be realigned and renumbered, due to the road splitting parcels. The alignment of the road is done, however, because FAA money was used, it has to go through the Federal Register to approve the land swap. Until that is done, the road will remain closed. Once it is opened up, the current access will be closed and the old road removed and the public will no longer be able to use it; it will be more of an access driveway to City property. Parcels 1, 7 and 6 were part of older parcels that were reconfigured. They are owned by different entities and once the subdivision is done, there will be some swapping of land between Rotational Molding on lot 7, the City will own lot 6 and lot 1 will go to lot 2 which is owned by the School District. This will facilitate better use of the road frontages. The only remaining issue is on the title report. The deed shows Gene Fullmer as having a miniscule piece that is inside the City limits. The deeds need to be checked and that issue will be worked out.

MOTION: A motion was made by Commissioner Poelman to open the public hearing for application #2989. The motion was seconded by Roger Handy and passed unanimously.

Blake Fonnesebeck, Brigham City Public Works Director/Airport Manager, came forward. Mr. Fonnesebeck stated that this project is part of a three phase, 24-million dollar expansion at the airport. The need for changing and moving the airport road was part of the agreement to get the money from the FAA. Putting in a new airport entrance road with FAA money is

very rare and they felt it was definitely a need as the old road was in their approach zone. If a semi came across that location at the same time as a plane, the semi-trailer would be in the approach zone. With Rotational Molding at that location and the semi traffic, it was something that really needed to be done. This is part of the continuing expansion to the north for the airport property. Lot 5 is all City property and is part of the airport master plan to develop the area further north. The master plan addresses the area by the hangars on the west side of where the hangars currently are. The additional 50-acres need to be added on as part of the airport master plan, which will happen this next year. The first 500-feet of the old road, from State Route 13 northward, will be rotomilled and the remaining pavement will stay and will be used as a driveway accessing City property. There are utilities down and through the old road, so it will remain for City use. In the subdivision plat, the full road will be developed to the far northern extent of the current developed area and there will be a temporary turnaround at that location. As new development moves forward, that road will be improved and extended north to the current City boundary line. The road is being dedicated all the way to the City boundary line. Where the existing road goes up north by lot 1, there is a section that comes in at the School Board's bus barn access. An access road has been built to the old road and there is a portion of the old road that will only be access to the school bus barn area. The new road does continue on to allow access to lots 7 and 4, and will continue to the last building, which is where the temporary turnaround will be. There is another access that comes into the airport but it is City owned. At the part of the old road that used to be the entrance into the airport where the gate was, there will be a cul-de-sac built there and that will be frontage for the Rotational Molding offices. That will become public road where before it was inside the airport property and fencing has made that public access at all times.

The pedestrian and vehicular controls, to prevent cars from entering onto the airport taxiway and runway ramp area, are two secure automated gates that have key access readers. The north gate, which will be the main entrance, will be open from 7:00 a.m. to 7:00 p.m. There are many buildings around that gate so it is not an open drive onto the ramp space. That will continue until it becomes an issue. Over time, a parking lot will be developed there and there is a walk-in gate available in that location as well.

Once preliminary plat approval is given, this will go to the City Council. In a preliminary plat there will typically be issues that need to be resolved but will be corrected before going to final plat. Most of the issues with this application are technical issues on the plat.

The Federal Register approval has made it to Washington and it just needs to be typed into the system. Once that is done it will be on for 30 days.

MOTION: A motion was made by Commissioner Nielsen to close the public hearing for application #2989. The motion was seconded by Commissioner Poelman and passed unanimously.

MOTION: A motion was made by Commissioner Poelman to forward application #2989 to the City Council with a recommendation for approval based on the stipulations that it would comply with the Staff evaluation and with Chapter 25.05.01 Amendment to a Recorded Final Subdivision Plat and that it must comply with Utah Code 10-9a-608 Vacating or Changing a Subdivision Plat. Based on the findings of fact that the applicant will comply with the Staff evaluation and such use will not under the circumstance of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and such use is in compliance with the Brigham City General Plan. The motion was seconded by Lynda Berry and passed unanimously.

PUBLIC HEARING / APPLICATION #2758 / AMEND AMENDMENT TO GEORGIA ESTATES SUBDIVISION NO. 3, LOT NO. 9

This application came to the Planning Commission previously and then stalled. Jeff Packer, representing the Calls, is requesting this application be moved forward. Mr. Packer is marketing the property. The single parcel is difficult to market and he is requesting to create two parcels to alleviate that problem. With the access management policies in place, there will need to be one shared/common access on Medical Drive. There will need to be some notations shown on the plat such as cross easement so that joint parcels can access through a single point of ingress and egress.

MOTION: A motion was made by Roger Handy to open the public hearing for application #2758. The motion was seconded by Commissioner Nielsen and passed unanimously.

Jeff Packer, representing Call Investment which owns the parcels, came forward. He stated that he is primarily present to answer any questions the Commission has. He stated that he had seen the Staff comments. He asked what Brigham City Code Title 25, 10-9-808 was. Mr. Teuscher replied that Title 25 is the Subdivision Ordinance and 10-9a-608 is State Code for subdivisions; 808 is the section that deals with amendments.

On the corner of lot 9, which is noted as 1059 South Medical Drive or 484 West Westland Drive, it is planned that a sign will be erected in that location that will be beneficial to Crystal Inn and to whoever purchases that property. That will be handled under the Sign Ordinance and will be dealt with at the time of development. Mr. Packer said that Chuck and Crystal Call Maggalette had investigated the potential of putting a sign on the 1100 South corridor and because of the Federal Highway Administration and other restrictions they need to own the parcel, which is lot 9c, to have the ability to erect a sign on that corner. He wanted to make sure that intent was clear and approval would allow that to occur. Mr. Teuscher commented that if and when development comes in, it would be looked at as one project and the sign ordinance would be dealt with that way.

Commissioner Nielsen commented that accesses on Medical Drive are restricted due to traffic issues and that it is expected that lots 9b and 9c would have a shared access. He asked if a second access off of Westland Drive would be an issue, if it were desired. Mr. Teuscher replied that an access off of Westland Drive would be allowed if it were back toward lot 9a and the west property line. It would be a design issue and it would be at the corner.

Mr. Packer said the principles of Call Investment really do not want to sell the one acre lot without it going to a sit-down type of restaurant, not fast food, and have turned down offers for use as some other commercial purpose. They want something that will compliment and be advantageous to the Crystal Inn. The intent is to have a restaurant that serves breakfast, lunch and dinner but does not have a drive-through component. The remainder half acre could be used for a multiple commercial use such as an office or retailer. There would be enough parking for both uses. The retention pond causes problems with prospective buyers but they will know it is there and must remain. Mr. Packer said he did not see that as a major obstacle. Cross easements will have to be developed on both pieces of property so as to have the appropriate ingress and egress for future businesses.

MOTION: A motion was made by Roger Handy to close the public hearing for application #2758. The motion was seconded by Commissioner Nielsen and passed unanimously.

MOTION: A motion was made by Commissioner Nielsen to forward application #2758 to the City Council with a recommendation for approval based on the stipulations that the applicant comply with Brigham City Code Title 25 and Utah Code 10-9-808 and comply with all engineering and Staff comments. Based on the finding of fact that the applicant shall comply with Brigham City Code Title 25 and Utah Code 10-9-808 and that such amendment will not under the circumstance of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that such amendment is in compliance with the General Plan. The motion was seconded by Roger Handy and passed unanimously.

PUBLIC HEARING / APPLICATION #2986 / AMEND CHAPTER 29.04

With the rewrite of SB-60, the use of the term Board of Adjustment was discontinued and replaced with the term Appeal Authority. During the Zoning Ordinance rewrite, it was noted in section 29.04.020 Appeal Authority that there were some references to the Board of Adjustment that needed to be changed to Appeal Authority. There are also some changes under D; the letter 's' needs to be dropped from the word Appeals so it will read Appeal in all instances where it is appropriate.

The term Zoning Administrator is no longer relevant in the City Staff, those functions that were previously assigned to the Zoning Administrator are now under the City Planner so those terms will be removed and replaced with City Planner. Community Development is now a division of Public Works so the term department as it refers to Community Development will be dropped. Also, the term Supervisor/City Planner will be replaced with City Planner so as to be more reflective of the organizational structure. In other chapters in the City Titles, it indicates the Public Works Director and who he is responsible for and will now show Community Development as a division under the Public Works Director. It used to be a department under the City Administrator.

MOTION: A motion was made by Commissioner Poelman to open the public hearing for application #2986. The motion was seconded by Lynda Berry and passed unanimously.

There was no public comment.

MOTION: A motion was made by Commissioner Poelman to close the public hearing for application #2986. The motion was seconded by Commissioner Nielsen and passed unanimously.

MOTION: A motion was made by Roger Handy to approve application #2986 with the stipulation that it comply with the State of Utah Code 10-9a-503 Land Use

Ordinance or Zoning Map Amendment and adoption of this amendment to the Land Use Ordinance and that the revision also include the removal of the word appeals and change it to appeal, where that change is appropriate; with the findings of fact that the applicant will comply with the Staff evaluation and that such use will not under the circumstance of the particular case be detrimental to the health, safety or general welfare to persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that such use is in compliance with the Brigham City General Plan. The motion was seconded by Commissioner Poelman.

Discussion: Commissioner Nielsen suggested that the motion be amended to state that the application be forwarded to the City Council with a recommendation for approval. (Mr. Handy is inaudible at this point) Mr. Handy suggested they approve the chapter and forward to the City Council with a recommendation that they approve it. Commissioner Poelman seconded Mr. Handy's suggestion.

The motion passed unanimously.

PUBLIC HEARING / APPLICATION #2987 / AMEND CHAPTER 29.05.080

This is a recommendation to alter 29.05.080 Yards to be Unobstructed Exceptions. This particular reference talks about decks and patios in the rear yard. The previous section was confusing. Staff reevaluated this and altered it to deal with uncovered raised decks for patios in the rear yard. If it is covered it would not fall under this section, it would become part of the structure. Anything 36-inches higher or less from final grade would be considered a landscaping feature and can encroach anywhere into a rear side yard, however, if it is within 10-feet there is a stipulation that it not be more than 1-foot in height. This would allow very innovative landscaping or decking in the backyard and would still be subject to building permits under item three.

MOTION: A motion was made by Commissioner Nielsen to open the public hearing for application #2987. The motion was seconded by Lynda Berry.

There was a comment from audience. A lady in the audience asked if that would include gazebos. Mr. Teuscher replied that a gazebo is a covered structure, subject to the Building Code, and would not fall into this category. He clarified that this section is only for uncovered decks and patios.

The vote to open the public hearing passed unanimously.

There was no further public comment.

MOTION: A motion was made by Commissioner Nielsen to close the public hearing for application #2987. The motion was seconded by Commissioner McGaha and passed unanimously.

MOTION: A motion was made by Commissioner Nielsen to forward to the City Council with recommendation for approval application #2987 with the stipulation that it comply with State of Utah Code 10-9a-503 Land Use Ordinance or Zoning Map Amendment in the adoption of the amendment to the Land Use Ordinance. Based on the finding of fact that the applicant will comply with Staff evaluation and such use will not under the circumstance of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that such use is in compliance of the Brigham City General Plan. The motion was seconded by Commissioner Poelman and passed unanimously.

APPLICATION #2992 / CONDITIONAL USE PERMIT – MODEL HOME/TEMPORARY SALES OFFICE / 1312 NORTH 600 WEST / GARY THOMPSON

This is a corner lot within the North Forty Phase II Subdivision and is a model home for Phase III. The lot for the model home is adjacent to the Phase II plat. Proposed hours have been submitted and can be modified if the Commission so chooses. The two companies building in that area are Sierra Homes and SWM Services. It is believed that Mr. Thompson is contracting with Sierra Homes to market the parcels. This is the development on the west side of 500 West and has nothing to do with the North Point Subdivision. Under the Ordinance, the model home will have a time limit. It can remain until 80 percent of the lots are sold or three years, whichever comes first. This has nothing to do with the office on the old golf course. The home is existing and could possibly have a caretaker live in it to protect the facility. It cannot be used as a personal residence. Mr. Thompson lives in Brigham City at another location and runs a real estate office at another location. This will only be used as a model home.

Commissioner Nielsen stated that he had a problem with the hours of operation going until 10:00 p.m. in a residential area. He said his experience with model homes is that they close by 6:00 p.m. Mr. Thompson was told that the Planning Commission may limit the hours of operation. Mr. Teuscher said that when he talked to Mr. Thompson he indicated that most people do not start doing business until about 10:00 a.m. The only issue may be in the summer when daylight hours are longer. Mr. Teuscher suggested limiting the operation time from 8:00 a.m. to 8:00 p.m. Chairperson Peterson commented that evening hours are a convenience to working people who may be looking for a home.

MOTION: A motion was made by Commissioner Nielsen to approve application #2992 with the stipulation that it must comply with the Staff evaluation except that the proposed hours of operation be limited from 8:00 a.m. to 8:00 p.m. rather than 8:00 a.m. to 10:00 p.m. and the stipulation that it must comply with Chapter 29.06 Conditional Uses and must comply with Ordinance 15.05-17 Model Home/Temporary Sales Office and that the sign must comply with the Sign Ordinance for temporary sign installations and comply with approved plans. Based on the finding of fact that the applicant will comply with the Staff evaluation and noted stipulations and that such use will not under the circumstance of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that such use is in compliance with the Brigham City General Plan. The motion was seconded by Roger Handy and passed unanimously.

PUBLIC COMMENT:

There was no public comment.

DISCUSSION:

It was suggested to move public comment to the beginning of the meeting so people don't have to wait to be heard until after the applications. It was suggested to encourage those that set the agenda to put public comment right after the approval of the work session and regular meeting minutes and before moving to agenda items and keep discussion items that will be talked about but not acted upon at the end. Mr. Teuscher said that could be done.

At the first of the meeting, if there is an item on the agenda that the Commissioners would like to act upon first, they can move to amend the agenda and rearrange the items as they choose. Public hearings should always be first on the agenda. Mr. Teuscher commented that this Planning Commission does a very, very good job as they are efficient and do things very appropriately.

• **APPLICATION #2982 / SKETCH PLAN / SILVA STOKES SUBDIVISION / 248 NORTH 600 WEST**

Staff held a sketch plan meeting with the developer's engineer and reviewed the issues. This is a three lot subdivision; however, Staff recommended that this be a two lot subdivision. The Stokes property has been included only for the fact that the existing home happens to slightly be on their property. Ms. Silva said it encroaches six inches onto the Stokes property. Staff did not see any reason to burden the Stokes property with a subdivision and the possibility of having to do an amendment. It is definite that the structures will be torn down. The home has been there since the late 1800s. The garage sits on the public right-of-way. One of the requirements was that the Silvas provide Staff with a timeline as to when the structures will be torn down. The other issue is, in the Ordinance, sidewalk is required. There is existing curb and gutter. The Silvas will ask for a deferral of sidewalk. There is not sidewalk along that side of the street between 200 and 300 north. They will submit a letter and Staff will do an evaluation from the Pedestrian Sidewalk Plan. Mr. Nielsen commented that it seemed prudent to wait until the structures are gone and then do the subdivision, as it is going to be, as opposed to trying to put it through and then have to change it. The Silvas have submitted their application with the preliminary plat and have paid the fees so they are ready to move forward. It will be a two lot subdivision and will not show the Stokes property. When it is finished there will be two lots, each containing 10,798 square feet.

Nola Silva, Christina Gallegos and Felix Silva Gallegos came forward. Ms. Nola Silva stated that they do not want to wait on splitting the property in half. They want to do it sooner than later. There are three people on the existing deed and they want to get it down to two and split it in half. Ms. Nola Silva said that they want to hurry this along because Juana, one person on the deed, is older and needs the money and Marcello Silva is deceased. Nola Silva, Marcello Silva's wife, has already gone through probate to get the property and Felix Silva and her daughter are the other half of this project. When they build they would like to take down the old buildings. She did not know when that would happen. Phillips-Hansen Title Company has the deed and all it needs is to be approved and have the City Planner on it. A noted development agreement can be done to include the noted subdivision, contingent upon removal of the structures within a certain time frame, and before final approval. A notation could be set to remove the structures at such time as a building permit is applied for, for the new structures. Barbara Stokes has asked to not be included. The structure is legal nonconforming because of the age and was there prior to the platting of the City. Preliminary Plat will come to Planning Commission on February 05, 2008. A development agreement will be done prior to the Land Use Authority giving final plat. Sidewalk deferral will have to go to City Council.

- CHECK CASHING BUSINESSES - ORDINANCE

The Mayor wanted the Planning Commission to review the issue of check cashing businesses. There have been problems with advertising exceeding the limits of the Sign Ordinance. Some cities in the State, Draper, Orem, Sandy, South Jordan, South Salt Lake, Taylorsville, West Jordan and West Valley all limit the number of check cashing stores. They are a registered financial institution and are under the operation of the State of Utah. The Mayor is concerned about the number of them that are starting to show up in the City. Currently, there are six operating within the City. Box Elder Credit Union advertises that they do check cashing at a lesser rate. Mr. Teuscher said it could be regulated but it is a little questionable. The businesses may charge a ridiculously high interest rate but that is a moral issue not a health, safety and welfare issue. Although people often get themselves into financial trouble by patronizing these businesses, Mr. Teuscher said he didn't know how they could regulate people making bad decisions.

The basic format of regulation on this type of business is by placing a cap on the number of businesses based on population. The standard number used by the example cities is 10,000. In Brigham City, there would legally be two check cashing businesses allowed. The other four would automatically become legal nonconforming uses and no others would be allowed to come in until there is an opening. A definition would need to be put in the Code defining what a check cashing business is and stipulations listing what would be allowed. Commissioner Poelman commented that the Country was having difficulty because of bad choices made by people and the entities that lend them money and she said she could see where this might be a good idea. Mr. Handy asked on what basis a cap would be placed on these types of businesses, and what rationale would be used. Mr. Teuscher suggested dividing the current number of check cashing businesses in the City and dividing by the population to get a number for the cap, which would make all of them legal uses. There is a perception that these types of businesses are low end and create an unfavorable view of the City.

Mr. Teuscher made the comment that if a business was denied because of a cap, he could see it being challenged. They could be restricted to areas such as tattoo parlors and s.o.b.'s. Mr. Handy made the comment that they would need to come up with a health, safety or welfare concern that is rational before something could be done to regulate these, otherwise, it would seem that they are being regulated, singled out, because they are not wanted. Mr. Teuscher asked the Commissioners what they wanted him to tell the Mayor. Commissioner Nielsen said that on the surface this seems to be arbitrary. He asked what the detriment to the City is to have 8 or 10 versus 6 of these types of businesses. Legislating morality is hard to do without falling into the trap of separation of church and state. Councilmember Jensen commented that she felt the same way as Commissioner Nielsen and that how is it not going to be stereotyped and when is government going to quit babysitting everyone, which is not the government's job. People need to start making better choices for themselves. Commissioner Nielsen also commented that he felt a lot of things that are driven by a lot of municipalities in this state are driven by religious heritage as opposed to a rational background or reason for making the decision.

MOTION: A motion was made by Commissioner Nielsen to adjourn. The motion was seconded by Commissioner Poelman and passed unanimously.

The meeting adjourned at 8:05 p.m.

This certifies that the regular meeting minutes of January 15, 2008 are a true and accurate copy as approved by the Planning Commission on February 05, 2008.

Signed: _____

Jeffery R. Leishman, Secretary